

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

GUY ANHOLT,)	
)	
Petitioner)	
)	
vs.)	No. CIV-06-1114-C
)	
JUSTIN JONES, et al.,)	
)	
Respondents)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Bana Roberts, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Roberts entered a Report and Recommendation on April 25, 2007, to which Petitioner has timely objected. The Court therefore considers the matter de novo.

The facts and law are accurately set out in the Magistrate Judge's Report and Recommendation and there is no purpose to be served in repeating them yet again. In objection to the Report and Recommendation, Petitioner primarily argues the merits of his requests for relief. The only substantive objection to the recommendation for dismissal on the basis of untimeliness is his assertion that he is illiterate and was incapable of discovering that he was not being awarded good time credits. However, illiteracy does not justify equitable tolling. Malone v. Oklahoma, 100 F.App'x 795 (10th Cir. 2004) (unpublished).

Thus, Petitioner has asserted no argument of fact or law which would require or permit any result contrary to that recommended by Judge Roberts.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, this petition for habeas corpus relief is dismissed. As no amendment can correct the errors noted, this dismissal acts as an adjudication upon the merits, and a judgment will enter.

IT IS SO ORDERED this 16th day of August, 2007.



ROBIN J. CAUTHRON
United States District Judge